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**NORTH CAROLINA SUPREME COURT.****Nuisances—Stables—Ordinances Prohibiting Location in Certain Places Held not Valid.**

STATE *v.* BASS. (Mar. 1, 1916.)

The defendant was convicted in the county court of violating the following ordinance of the town of Nashville, N. C.:

No person or persons, firm, or corporation shall build or cause to be erected any privy, stables, or stalls nearer to a neighbor's residence than it is to the owner's; and no privy shall be constructed nearer than 25 feet of any public street, under penalty of \$25 for each offense. Each day's continuance of such privy, stables, or stalls after notice by the sanitary officer shall constitute a separate offense.

He was charged with erecting his stable nearer to the home of his neighbor than to his own. The supreme court reversed the judgment and decided that the ordinance was void.

The court (Brown, J.) said:

It is contended that this ordinance is invalid because it is unreasonable and not uniform, in that it does not afford protection to all citizens alike and is not reasonably appropriate for the accomplishment of any legitimate object falling within the police power of the State. (6 Ruling Case Law, § 226.) The objection is well taken, as the ordinance manifestly fails to accomplish any purpose properly falling within the scope of the police power. (*Chicago, B. & Q. R. R. Co. v. Illinois*, 200 U. S. 561, 26 Sup. Ct. 341, 50 L. Ed. 596; 4 Ann. Cas. 1175; 6 Ruling Case Law, § 226, and notes.) Its purpose is presumed to be to improve the health of the inhabitants of the town, as well as to minister to their comfort. It fails conspicuously to accomplish such purpose, as under it stables may be kept with impunity obnoxiously near any number of dwellings if they are equally as near the dwelling of the owner of the stables. Thus it is put within the power of the owner to annoy his neighbor at will if he is willing to endure the same annoyance himself.

Chief Justice Clarke dissented.

The case is reported in 87 Southeastern Reporter, page 972.